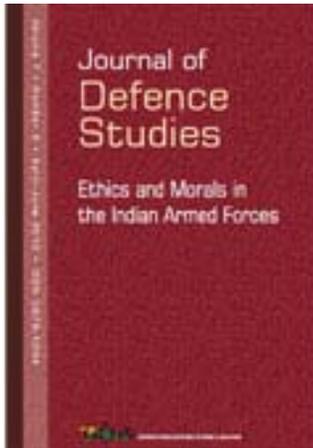


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Institutional Challenges Confronting the Indian Armed Forces

The Moral and Ethical Dimension

*B.D. Jayal**

The phenomenon of the apparent lowering of both personal and institutional moral and ethical standards in the armed forces is not limited to India. What is missing is an open debate on the complexities that drive the modern day profession of arms and the need for a mutually supporting relationship between the armed forces and the institutions of a democracy, especially at a time when newer forms of security threats are emerging. In this changing order, the society, Parliament, the government, media, and the armed forces need to look within with a view to restoring a healthy balance in this relationship in order to regain the moral and ethical high ground on which this relationship rests. The setting up of a Blue Ribbon Commission would serve the purpose of proposing a blueprint for further debate and adoption.

INTRODUCTION

Of late, the Indian armed forces have, more often than not, been in the news for reasons that appear to reflect a lowering of both personal and institutional moral and ethical standards. The reasons are many; not least the rising demand from the public at large for accountability and a round-

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the-clock electronic media hungry for sensational news. But beyond these fairly legitimate aspects of a vibrant democracy lie the general societal expectations that members of our armed forces are expected to be a cut above the rest and whilst society may be somewhat tolerant to the shenanigans of our administrators and politicians, they draw the line when the decay spreads to our armed forces. In a way, they bind members of the armed forces to an unwritten professional contract—that of mutual trust whereby they authorize the armed forces to use their awesome military power to ensure their security, but within the bounds of moral and ethical code of conduct and behaviour. A contract that is neither articulated nor legal, yet has the sanction of a moral binding force, for what is a nation's military without the moral support of its people?

There is, however, a far deeper context to the profession of arms in the changing world that makes this phenomenon widespread across professional militaries of many other countries. All at a time when newer and more deadly forms of security threats are emerging involving both state and non-state actors; when the power of technology makes a soldier sitting continents away from the battlefield wield enormous destructive power; and when weapons of mass destruction can instantly make civil populations far removed from conflict zones direct victims of conflict.

In all fairness, it needs to be admitted that whilst the public interest and awareness relating to moral and ethical digressions in the armed forces is a relatively recent phenomenon, to those who are insiders, the malaise has been in the making for decades. However, fortuitously, its spread has been no more than marginal due to the overriding influence of high moral and ethical standards that drive the profession of arms even to this day.

Unfortunately, an open debate on the subject has been lacking in India. This has led to a lack of understanding regarding complexities that drive modern-day profession of arms and the necessity of a mutually supporting relationship between all the stakeholders, namely, the armed forces, the institutions of democracy, institutions of governance and most crucially, the society at large. This is especially relevant in today's changing world where individualism and pursuance of personal advancement, wealth and pleasure have come to take on greater relevance than human values of selflessness, service and sacrifice, and where human rights and other pacifist movements look upon the profession of arms with a certain degree of disdain.

This article attempts to understand the relationships that bind the various institutions of modern democracy within clearly defined moral and ethical boundaries and the challenges that confront them in the modern-day world. It first covers the larger theories and concepts defining war with its moral and ethical underpinnings and then compares these to the reality as confronting India.

JUST WAR

Defining war, the *Stanford Encyclopedia of Philosophy* states: 'war should be understood as an actual, intentional and widespread armed conflict between political communities, and therefore is defined as a form of political violence or intervention.' But, beyond this classic definition, all wars are contests between different human groups, and hence very much a human event, with their very conduct exposed to both the strengths and frailties that human beings display in their ordinary existence.

It is vital, therefore, that even war, with all the death and destruction that it will entail, must be conducted ethically and within the moral value system endorsed by the society. Indeed, the professionalism of a military is judged not just by the achievement of various mission objectives, but on whether these were achieved through fighting a moral and ethical battle. It is by means of articulating the Hague and Geneva Conventions, and the Charter of the United Nations (UN), that the international community has been able to differentiate conduct in what is called a 'just war' from wanton killing of human beings.

Moral judgements about 'just war' fall in two discrete areas: the reason for going to war in the first place, and the way war is then conducted. The first is traditionally called *jus ad bellum* or justice of going to war and the second, *jus in bello* or law during war.¹ Justice of going to war dictates which unfriendly acts and circumstances justify a proper authority to declare war on another nation. Briefly, these are that any 'just war' must be declared by lawful authority, the cause must be just and righteous, the just belligerent must have rightful intentions, a just belligerent must have a reasonable chance of success, the war must be a last resort, and, finally, the ends being sought must be proportional to means being used.²

The two main principles in *jus in bello* are proportionality and discrimination. Proportionality regards how much force is necessary and morally appropriate to the ends being sought and the injustice

suffered, whilst the principle of discrimination determines who are the legitimate targets in a war, and specifically makes a separation between combatants—who it is permissible to kill, and non-combatants—and who it is not.³

CIVIL–MILITARY RELATIONS

Judgements about going to war fall in the political domain. The political executive must bear the moral responsibility for these actions as well as be able to persuade the society to whom they are answerable. On the other hand, just conduct of war covers the operational aspects, which are the moral responsibility of the military who, in turn, will be judged on their ethical and moral conduct not just by the political leadership and society at large but the international community as well.

In spite of these separate domains of moral responsibility and the very different perspectives that the political and military professions may bear on many issues, with such relationships not always being smooth, both leaderships have the moral responsibility to be trustworthy, constructive and forthright in their mutual dealings. It follows, therefore, that a high level of mutual trust and respect must exist between the political executive and military leadership as it is only in such an environment that the military leaders can represent the unique perspective of the armed forces with no hesitation of it being misunderstood.

On their part, political leaders are morally bound to be well informed about wider military policy and to provide the right organizational and resource support to ensure that military's capability and the needs of its professionals are adequately met such that they are mentally and physically prepared to respond when called upon to do so. In addition, an important input to decision-making about war must come from the military leadership who, at the end of the day, will not only bear the direct consequences of the decision but is also accountable for achieving the objectives of war.

For the military, it is vital they act in a manner that conveys to the political executive that they operate under orders of the latter, and yet ensure that a military perspective is presented honestly and unambiguously without, in any way, appearing to force their viewpoint. Military leaders responsible for the training and conduct of war also need to have an in-depth understanding of the traditions of 'just war' and the principles it strives to enshrine.⁴ These must then form part of their training,

procedures and code of ethics as laid down in dealing with operational situations.

There is always a moral dilemma that confronts military leaders. Not only do they have to cope with the stresses of professional decision-making, they must do so under the benign eye of their political executives who, at the end of the day, are answerable to the people who elect them. This relationship can, at times, be problematic considering that the working environment of the two—military and civil—systems are often poles apart. Any effort to intercept this line of communication by the bureaucracy acting as interlocutors or the media in the garb of public opinion would be contrary to the spirit of this relationship.

Beyond the political–military plane at the executive level, in a democracy, it is the Parliament that must represent the moral voice of the society in the sacred partnership that it embraces with its armed forces.

THE PROFESSION OF ARMS

Professions perform a role in society which, in turn, determines their character and responsibilities. Professions, in turn, earn the trust of the society they serve by the ethical and moral standards they adopt and practice. Like the medical or legal professions that provide health and legal services, respectively, the armed forces provide security.

Whilst no society will ever accept destruction of life and property as legitimate actions; however, in exceptional circumstances like war or a national emergency, society accords this responsibility to its armed forces. Similarly, whilst a democratic society thrives on full civil rights, it may, in exceptional circumstances, feel the need to curtail these rights.⁵ Often enough, this is enforced through tasking its armed forces when called upon to aid the civil authorities.

In return, the state lets the profession of arms develop its own codes, ethics, professional expertise and skills provided they conform to moral values of the society at large whilst upholding the laws of the land. In fulfilment of this abiding trust between the society and itself, every professional military person is honour bound to protect the sovereignty and integrity of the nation even at the peril of one's life. This is the oath that makes the profession of arms unique. The foundations of this contract of unlimited liability on the part of the uniformed fraternity for the larger good of the society are based neither on the laws of the land nor on rules

of governance, but on mutual trust and moral and ethical conduct on the part of both parties.

In the context of the armed forces, ethics largely represent values that are born out of core beliefs. Whilst the armed forces have regulations that are legally binding, they also have codes of ethics, mottos, credos and traditions, all of which blend to define professional ethics and integrity. Within this wide ambit are embedded values of duty, honour, integrity, loyalty, respect, selfless service, personal courage and team spirit. There is no dividing line between regulations and ethics and it is the composite whole that makes up for professional integrity.

The critical difference between a military professional as against his civilian government counterpart is that whilst for the latter the motivations are the job and its benefits, for the former it is a calling. The moral difference generally being that the latter will behave morally only as a dutiful obligation under the threat of punishment, whilst the former will abide by professional ethics.⁶

Yet, at the end of the day, the soldier, sailor and airman is first an ordinary human being with individual desires, aspirations, values, frailties and emotions. Emotions are not just primary in human beings, but often instantly govern a person's response to any situation or threat. According to Sevcik,

There is no question that in the heat of battle, stress induced emotion disrupts moral reasoning...Only after we develop men and women of character, can we hope to get our soldier [*sic*] to the proper 'intuitive' moral response to the tough ethical challenges they face in both combat and garrison operations.⁷

Modern warfare and its decentralized operations also make it incumbent for military professionals to exercise discretionary judgements in the line of duty. Because such judgements can mean life and death of other human beings, such judgements also bear a high moral content and hence must be exercised by professionals of well-developed moral character who possess the ability to reason effectively in moral frameworks.⁸

To exercise leadership over the military professionals who are trained and conditioned to perform extraordinary feats in the face of personal danger is a great moral responsibility and needs men of high integrity. What General Eisenhower once said best exemplifies this:

In order to be a leader, a man must have followers. And to have followers, a man must have their confidence. Hence, the supreme

quality for a leader is unquestionably integrity. Without it, no real success is possible, no matter whether it is a section, a football team, in an office or in an army...⁹

In his emotional address to the cadets at West Point on receiving the Thayer Award, General Douglas MacArthur said:

Duty, Honour, Country. The code, which those words perpetuate, embraces the highest moral laws and will stand the test of any ethics or philosophies ever promulgated for the uplift of mankind. Its requirements are for the things that are right, and its restraints are from the things that are wrong.¹⁰

General Bryce Poe II equates this code with 'integrity'.¹¹

For military leaders who have, at their disposal, capacity to wield enormous destructive power, the dilemma of whether one is morally right in the price paid in human lives, even though one has no doubt about the sanctity of the professional mission, is both profound and stress inducing. This has to be balanced with the responsibility to look after the human needs and welfare of those one commands and who are ever prepared to sacrifice their own lives at the leader's command.

And, finally, whilst military professionals must aspire and strive to build for themselves a successful career, this must not be at the cost of professional integrity where careerism results in either not standing up for what is right, or for those under one's command or indeed to further one's career prospects by indulging in unethical professional or personal conduct. An illustrative example is a study conducted by Brigadier General Kinnard, now a professor of political science at the University of Vermont, with 173 American generals who had served in Vietnam. The study found that there was uneasiness among the majority of them over the handling of the war.¹² Asked why they had not spoken out during the war, Kinnard said, 'The only thing I can think of is careerism.'¹³

INDIA: THE INSTITUTIONAL CHALLENGES

Non-Conventional Threats: 'Unjust Wars'

Whilst it is interesting that even in the midst of war that legitimizes death and destruction there is international recognition of doing so within bounds of legitimacy and ethics, the world is today faced with

wars that fall outside the 'just' category. Where, for instance, does the war on terror or drone strikes in far away lands fit? Can these be termed within the classic domain of 'just wars'? And where do proxy wars, insurgencies under the guise of freedom struggles and acts of terrorism, figure? More so as many of these are accompanied with deniability and facelessness.

Yet, being the only instrument of state, it is the armed forces that are expected to engage these threats to national security, whilst not compromising on the ethical and moral envelope within which their own society gives them the moral authority to fight and kill. For the first time, we are now in a grey area. It is the prolonged engagement of armed forces in facing such 'unjust wars' that is now posing the gravest threat to the moral and ethical bounds within which armed forces, governments and societies respond to such threats. As the following discussions show, India is no exception.

Civil–Military Relations

Civil–military relations can be viewed in two contexts. The first, the moral and ethical relationship between civil society as a whole and the institution of the armed forces that is established to protect it; and the second, more specific and backed by administrative fiat is the relationship between the political executive and the armed forces.

Society–Military Relationship

The rising number of suicides in the armed forces is one of the symptoms of the prolonged use of the armed forces (more specifically the Army) in countering insurgencies and the low-intensity conflict in Jammu and Kashmir (J&K). When the suicide of a soldier serving in J&K was raised in the Parliament, the Prime Minister urged members not to have a discussion stating, 'this is a very small incident, which is being blown out of proportion. It is not good for the morale of our armed forces.'¹⁴ That the people's representatives accepted this view speaks of the trust deficit between the representatives of the society, the government and the armed forces, when discussions on such vital issues are considered inconsequential and avoided under the hollow pretense of protecting the morale of the armed forces.

The response to the recent desecration of our soldiers' bodies, as also earlier ones, points again to serious fault lines in the mutual trust between the society, the executive and its soldiers. It is for the first time in Indian

history that families of such martyrs have gone public with their angst. A society that reacts indifferently to the dishonouring of its armed forces not only risks losing the respect of its armed forces but demonstrates that the so-called spirit of mutual trust and sacred contract of unlimited liability have become one-sided to the detriment of the armed forces. In today's connected world, the armed forces are not insensitive to this state of affairs. This augurs ill for the morale of the armed forces of India.

The moral question that society must ask of itself is: what are its obligations to its armed forces professionals, its veterans, martyr's widows and those wounded and maimed for life, in return for their unlimited liability? The larger question is: why is the Parliament, which is the voice of the people, not performing its moral duty towards the society, the government that it selects and the armed forces in enforcing moral and ethical accountability?

Much like the phrase 'scientific temper' that conveys the ethos of a profession or community, 'moral fibre', defined as the inner strength to do what you believe to be right in difficult situations, can be attributed in large measure to the armed forces' community. To develop a 'scientific temper' is one of the fundamental duties of the Indian citizen according to our Constitution.¹⁵ Had the framers of our Constitution anticipated the moral decline in the institutions of security in the country with their attendant ethical pitfalls, they would perhaps have included 'moral fibre' in the fundamental duties of citizens as well! Representatives of the people now need to pick up the gauntlet.

Parliament now needs to codify the moral and ethical obligations of the society on one hand, and the executive and the armed forces, on the other. Further, in order to usher in greater national security consciousness, it is time for the Parliament to introduce an annual national defence debate so that the nation at large is assured that moral and ethical accountability is being ensured within the institutions of national security.

Executive–Military Relationship

C. Uday Bhaskar, writing on suicides in the armed forces, says:

In India, the military has a curious and ambivalent status apropos the state structure and society at large.... While the elected political representative [*sic*] are the new ruler in India, the civilian bureaucracy

have become astute mediators of the pursuit and consolidation of power and status in the world's largest democracy.... The progressive denigration of the armed forces by the state and society has led to a steady erosion of military morale—a danger the prime minister alluded to in parliament.¹⁶

It is no secret that a trust deficit has existed for long between the government and its armed forces—for which there are both historical and parochial reasons. The political executive prefers to deal with the armed forces through the bureaucracy that is all-powerful. Also, they exclude them from crucial decision-making fora thus denying them a role in the policy-making process. By taking major security decisions in the absence of a professional military input, the political executive is failing in its moral obligations to society.

Quite apart from manning vast live borders, the Indian armed forces have been engaged in a proxy war in the state of J&K for over two decades and have been tackling insurgencies in the North-East for many more. As recent debates and differences between different civil authorities and the armed forces—with regard to the Armed Forces Special Powers Act, tackling Maoist threats, insurgency operations in the North-East and even with regard to Siachen and Sir Creek—show, there are areas of stress developing that are symptomatic of a deepening lack of mutual trust between the political executive and the military.

A moral obligation of the political executive that takes strategic decisions of going to war is to ensure that the armed forces are organized, equipped and trained to undertake such a mission. History will show that, over decades, the political executive has fallen far short of this moral obligation. Keeping the armed forces outside policy-making organizationally, monumental delays in equipment procurement, and lack of transparency and interference in senior military promotions are some of the glaring weaknesses that are working to the detriment of the capability and morale of the armed forces.

Partly, the reasons are as Anit Mukherjee writes: 'Bureaucracies oppose policies that result in a loss of power, prestige or resources. Hence, officials within the armed forces and in different ministries (primarily, Home, Defence and External Affairs) have frequently subverted reforms.'¹⁷ To this can be added political disinterest in matters relating to security, as the latter generates little voter interest.

It is imperative that a transparent and purely merit-based system of promotions to senior levels be instituted as the current system has created a

culture of sycophancy and subservience to both political executive and the bureaucracy, which is contrary to the moral ethics of professional military leadership. Compromised military leadership will fail to keep its moral obligations to provide an honest and unique perspective of the armed forces to the political executive, will be cautious rather than innovative and bold, and will lose the respect of those it commands.

Anit Mukherjee describes civil–military relations in India circumscribed by three characteristics of bureaucratic controls without expertise, exclusion of the armed forces from policy-making bodies, and an autonomous military. He concludes that these have a deleterious effect on the military’s effectiveness which translates to a system described by K. Subrahmanyam where ‘politicians enjoy power without any responsibility, bureaucrats wield power without any accountability, and the military assumes responsibility without any direction.’ This, then, lies at the heart of what he terms as the ‘absent dialogue’.¹⁸ Such an organizational state of affairs is far removed from the moral and ethical values of mutual trust and the concept of unlimited liability.

For many armed forces personnel, after serving decades in the field enthused with all the moral and ethical values that such leadership entails, the exposure to life in headquarters in Delhi is a disappointment. One is faced with two stark comparisons: one, the daily happenings of selflessness, sacrifice and courage in the field; and the other, a military bureaucracy turned supine, a civil bureaucracy both uninformed and authoritarian, and an apathetic political leadership kept in fear by the bureaucracy of the potential of the military to break out of its leash. It is the collective failure of civil–military leadership at the higher levels of command and control that is morally and ethically responsible for the rapid erosion of professional integrity on the part of a section of the armed forces today.

It is a reflection on the lack of trust that prevails today between the civil–military domains that the country has recently been witness to an ugly confrontation between a serving chief and the government in the Supreme Court. Veterans have been holding protest marches and returning their hard-earned medals to their Supreme Commander who, no doubt under advice of his bureaucracy, chooses not to meet them. When our soldiers’ bodies were desecrated, the society and civil leaders failed to fathom the deep shame that every uniformed person and veteran felt. Between the extremes of baying for blood or plain silence, the uniformed community expected sharing of their wounded honour and sorrow. Not

one leader of consequence measured up to this moral moment whilst the electronic media whipped sentiment to further its own interest! This is proof, if it were needed, that the sacred trust lies in tatters. Institutional actions rather than individual promises are needed to recover our moral and ethical bearings.

Commenting on this explosive electronic media hype, veteran journalist and Ramon Magsaysay awardee George Verghese wrote: 'This sort of imbecility points to the need for political parties and media houses to train defence spokespersons to comment on such sensitive issues. It also reinforces the need for a regulatory framework for the media, which most democracies have instituted or refined. Freedom cannot mean licence.'¹⁹ Indeed, it cannot, and the fourth estate that should also serve as the voice of the people is faced with its own moral dilemma in the commercial world. A moral code of ethics for the media in matters relating to security is now a national imperative.

A society that is not sensitive to the plight of its veterans can hardly be true to its armed forces as the latter are tomorrow's veterans. That veterans are battling their very own political executive in court for just dues, already granted by civil courts, must make the society pause and reflect, even as those serving, watch with moral repugnance.

Whilst there is far greater respect and consciousness for these moral questions in Western societies, sadly, we in India are unmoved. Changing times, both societal and security wise, now indicate that the time has come where a code of defence management for the government and code of ethics for the Indian armed forces needs to be discussed, debated and documented. No longer can this dangerous drift be allowed to the peril of the entire moral and ethical fabric of the nation's security institutions.

THE PROFESSION OF ARMS: STRESSES WITHIN

As mentioned earlier, the essential qualities of a military leader must be integrity and strength of moral character, but from many unfortunate instances that have come to light, it is lack of these qualities that seems to stand out amongst some of the higher echelons of military leadership in India. But in the moral and ethical domain within which the armed forces live and work, even one instance is one too many. Voicing concern on the high suicide rates in the armed forces, an editorial stated: 'The armed forces have to introspect on how far the issue of the quality of

its leadership at multiple levels may be involved here.... The military, it seems, also needs to battle some demons within.²⁰

Had the armed forces leaderships maintained the high moral and ethical standards that are clearly expected of every one in uniform, the negative consequences of an autonomous military as earlier mentioned, could well have been reversed to the wider benefit of military effectiveness. Unfortunately for various reasons, none of moral and ethical origin, it is the military bureaucracy and the senior leaderships who have let individual and parochial Service interests prevail over national moral imperatives. To quote just one example, what else can explain the pointless inter-Service turf wars that result in obvious duplication of missions and wastage of scarce resources, serving individual and Service egos?

Some of the areas that need attention within the armed forces relate to inter-Service rivalry to the cost of the larger national good, subjective rather than objective scientific analysis of roles and missions leading to gross duplication and waste, selfish careerism, a subjective and top-down system of performance evaluation that dilutes meritocracy and breeds sycophancy, increasing lapses of personal integrity at senior levels, colonial mindsets of using combatants or non-combatants as orderlies and a decadent five-star culture. By virtue of their own failings, the autonomous armed forces have forfeited the moral right to look at each one of these weaknesses objectively and find solutions.

It is worth recalling that whilst making its recommendations, the Kargil Review Committee had cautioned: 'The political, bureaucratic, military and intelligence establishments appear to have developed a vested interest in the status quo. National security management recedes into the background in time of peace and is considered too delicate to be tampered with in time of war and proxy war.'²¹ At the moral and ethical level, vested interest is the opposite of mutual respect and trust, and since nothing has changed it is no surprise that our national security institutions continue down a steep suicidal path.

Since security of the nation-state and rebuilding the sacred trust amongst security institutions must take precedence above all else, there is need for impartial and objective soul searching that must encompass every aspect of national security management with a view to regaining the moral and ethical high ground.

CONCLUSION

Wars, democracies, societies and social norms are all moving with changing times. In this dynamic situation, there remains forlorn hope that morals and ethics that formed the basis on which the armed forces live and die must remain unchanged. Unfortunately, we do not live in an ideal world. It is up to pragmatic societies and leaderships, both civil and military, to measure up to the changing security dynamics and to determine what will drive the new relationship between the society, its representatives, the government and its armed forces such that there is both stability in the relationship and abiding faith in the moral and ethical values that they bring to both this relationship and in facing new security challenges. The author believes that it is still not too late to set up a Blue Ribbon Commission that will look at every facet of this fascinating and challenging relationship and come out with a blueprint for the nation and the Parliament to discuss, debate and adopt. If the nation has the political vision and moral sagacity, the largest democracy in the world may also be the first to tread a new path—for strengthening the moral and ethical foundations of security institutions for itself and for other modern democracies to emulate.

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